

(2) In cases arising after the initial security acceptability determination has been made, the DISCO shall review the information or report of investigation to determine whether the security acceptability determination is to continue in effect. If such adjudication is favorable, no further action is required. The Red Cross or the USO will not be notified in such cases in order to preclude the possibility of any adverse inference being drawn.

(3) If, after reviewing the information or report of investigation, the DISCO is unable to make a favorable security acceptability determination, the case shall be referred for further processing in accordance with part 155 of this title.

PART 254—TEACHER AND TEACHER'S AIDE PLACEMENT ASSISTANCE PROGRAM

Sec.

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§ 254.1 Purpose.

It is Department of Defense policy to establish programs to assist personnel affected by the downsizing of the Department of Defense and to contribute to efforts to relieve shortages of elementary and secondary school teachers and teacher's aides.

§ 254.2 Definitions.

(a) *Alternative certification.* State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.

(b) *Eligible defense contractors or subcontractors.* Those defense contractors or subcontractors that have applied and been selected using criteria established in "National Defense Authorization Act for Fiscal Year 1993," Public Law 102-484, 106 stat. 2725 and meet the following criteria:

(1) Produce goods or services for the Department of Defense pursuant to a defense contract or operate nuclear weapons manufacturing facilities for the Department of Energy; and

(2) Have recently reduced operations, or are likely to reduce operations, due to the completion or termination of a defense contract or program or by reductions in defense spending.

(3) The Defense Activity for Non-Traditional Education Support (DANTES) shall give special consideration to defense contractors who are located in areas that have been impacted particularly hard by reductions in defense spending.

(c) *Eligible local educational agency.* A local school jurisdiction that normally hires teachers, is located in a state offering an alternative program for teacher certification, is receiving money under chapter 1 of title I, "Elementary and Secondary Education Act of 1965" (20 U.S.C. 2701 *et seq.*) as a result of having within its jurisdiction a concentration of children from low income families, has been identified by its state as experiencing a shortage of qualified teachers. Priority for grants under this program will be given to those local education agencies which receive concentration grant funds under chapter 1 of title I, or are eligible to receive such funding. The local school shall be willing to enter into an agreement with the Department of Defense to employ a certified program participant for not less than five consecutive years in a school within its jurisdiction having a concentration of children from low income families.

(d) *Eligible personnel.* Service members, civilian employees of the Department of Defense and the Department of Energy, and defense contractor employees who meet the specific requirements identified in paragraphs (d) (1) through (3) of this section. All persons selected shall have a baccalaureate or advanced degree (associate degree or higher for teacher's aide applicants) from an accredited institution of higher learning and, if selected, shall be willing to agree to obtain certification or licensure as an elementary or secondary school teacher or teacher's aide

and to accept an offer of full-time employment as an elementary or secondary school teacher or teacher's aid for not fewer than 5 school years in a school that serves a concentration of children from low-income families.

(1) *Eligible service members.* Members of the Armed Forces who during the 9-year period beginning on October 1, 1990, are discharged or released from active duty after 6 or more years of continuous active duty immediately before discharge or release, and are not discharged or released from service under other than honorable conditions. Application must be made within 1 year after discharge or release, except that Service members whose date of discharge or release is on or after October 1, 1990, but before January 19, 1994, shall apply by October 5, 1995. Service members who do not meet the degree requirements at the time of discharge shall be considered to be eligible upon satisfying degree requirements with 5 years after discharge from active duty. In such case, former Service members must make application within 1 year after earning the applicable degree.

(2) *Eligible nonmilitary Government employees.* Full time civilian employees of the Department of Defense or the Department of Energy who have served at least 5 years in a civil service position and are terminated from Government employment as a result of reductions in defense spending or the closure or realignment of a military installation as determined by the Secretary of Defense or the Secretary of Energy. Application must be made after receipt of a notice of termination but not later than 1 year following termination.

(3) *Eligible contractor employees.* Scientists or engineers whose employment is terminated (or who have received notice of termination) as a result of the completion or termination of a defense contract or program or reductions in defense spending. The individuals must have been employed for not less than five years as a scientist or engineer with a private defense contractor that has entered into a cooperative agreement with Department of Defense to help support the program including payment of 50 percent of the stipend provided to the contractor employee selected for assistance.

(e) *Grant.* Funding to be provided to a local education agency to offset the basic salary of a program participant during five consecutive years of employment. Assuming employment begins at the beginning of a school year, a grant shall be paid in five installments in accordance with the following schedule:

First Year—50 percent of basic salary not to exceed \$25,000

Second Year—40 percent of basic salary not to exceed \$10,000

Third Year—30 percent of basic salary not to exceed \$7,500

Fourth Year—20 percent of basic salary not to exceed \$5,000

Fifth Year—10 percent of basic salary not to exceed \$2,500

(1) Installments shall be payable after the end of each school year within 30 days after the local education agency certifies to the Department of Defense the basic salary paid to the employee during the past school year is consistent with the written agreement between the local educational agency and the Department of Defense.

(2) If employment begins other than at the beginning of a school year, the grant shall be payable in up to six installments. The grant payments shall be based on the total teacher pay days equivalent to a full school year. Payments will be made so that reimbursement does not exceed the percentage and dollar amounts for any one equivalent full school year.

(f) *Stipend.* The lesser of \$5,000 or the total costs of the type described in "Higher Education Act of 1965," section 472 (20 U.S.C. 108711), incurred by a selected program participant while obtaining certification.

[59 FR 7213, Feb. 15, 1994, as amended at 60 FR 30189, June 8, 1995]

§ 254.3 Responsibilities.

(a) The Assistant Secretary of Defense (Personnel and Readiness) shall:

(1) Monitor compliance with this part and the responsibilities of the Secretary of Defense as authorized by "National Defense Authorization Act for Fiscal Year 1993," sections 4441, 4442, 4443, Public Law 102-484 (10 U.S.C. 1151, 1598, 2410c).

(2) The Director of Education, as the representative for the ASD(P&R), shall:

(i) Identify program needs and provide program direction.

(ii) Provide liaison and coordination with educational agencies, and school officials.

(iii) Oversee the funding of this program and ensure compliance with this memorandum.

(iv) Conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces towards satisfying certification or licensure requirements for teachers.

(b) The Secretaries of the Military Departments shall:

(1) Ensure that separating Service members are informed about the subject program during preseparation counseling provided by Transition Assistance Offices.

(2) Ensure that installation Education Centers can, upon request, provide information and counseling on teacher training and certification, including alternative certification requirements.

(3) Ensure that separating employees are informed about this program during preseparation counseling by installation and activity Civilian Personnel Officers.

(4) Ensure that personnel management offices inform noncommissioned officers who will reach ten years of service during the current fiscal year (until September 30, 1997), who have the potential to perform as elementary or secondary school teachers, but who do not satisfy the minimum educational requirements to qualify for the program of the opportunity to obtain those qualifications within five years after discharge or release from active duty and apply for placement assistance within one year thereafter.

(c) The Secretary of the Navy shall, as executive agent for the Defense Activity for Non-Traditional Education Support (DANTES), ensure DANTES is provided assistance and support in meeting its responsibilities in support of this program.

§254.4 Procedures.

(a) The Secretary of the Navy, as executive agent for DANTES, shall ensure DANTES executes the program, by:

(1) Issuing procedural guidance implementing this part, as necessary.

(2) Preparing and distributing information, forms and publications.

(3) Selecting participants based upon criteria established by "National Defense Authorization Act for Fiscal Year 1993," Public Law 102-484, 106 stat. 2725, as amended by "National Defense Authorization Act for Fiscal Year 1994," section 1331, Public Law 103-160, 107 stat. 1791 and those stated in paragraph (e) of this section.

(4) Receiving and evaluating applications for stipends and making awards based on criteria consistent with "National Defense Authorization Act for Fiscal Year 1993," sections 4441, 4442, and 4443, Public Law 102-484, 106 stat. 2725 as amended by "National Defense Authorization Act for Fiscal Year 1994," section 1331, Public Law 103-160, 107 stat. 1791 and "Higher Education Act of 1965," section 472, (20 U.S.C. 1087*ll*).

(5) Receiving and evaluating applications for grants and making awards, based on criteria consistent with reference to "National Defense Authorization Act for Fiscal Year 1993," Public Law 102-484, 106 stat. 2725 as amended by "National Defense Authorization Act for Fiscal Year 1994, section 1331, Public Law 103-160, 106 stat. 2725, and title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) to eligible local educational agencies that agree to employ program participants pursuant to this part.

(6) As necessary and authorized, entering into agreements with other governmental and non-governmental entities, stipend awardees, and local educational agencies eligible to participate in the program.

(7) Establishing and maintaining a file on each applicant and tracking actions taken with regard to each applicant.

(8) Establishing and maintaining a file on each local educational agency or private defense contractor who seeks to enter into an agreement with

the Department of Defense in connection with this program.

(9) Collecting debts owed the Department of Defense resulting from failure to comply with agreements made regarding the use of stipends given to program participants or grants made to local educational agencies.

(i) DANTES shall collect from local educational agencies an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion of required service bears to the five years of required service for participants that leave the employment of the local educational agency before the end of the five years of required service.

(ii) DANTES shall collect from personnel participating in this program, if the participant in the placement program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or as a teacher's aide or is terminated for cause, during the five years of required service. The participant shall be required to reimburse the Secretary of Defense for any stipend paid to the participant in the same ratio to the amount of the stipend as the unserved portion of required service bears to the five years of required service, except as provided in paragraph (f) of this section.

(10) Maintaining data on this program and provide reports to the Assistant Secretary of Defense (Personnel and Readiness) through the Navy, as executive agent, quarterly.

(b) Eligible Service members shall apply for participation in the program not later than 1 year after the date of discharge or release, except that eligible Service members whose date of discharge or release is on or after October 1, 1990, but before January 19, 1994, shall apply by October 5, 1995. Service members who are not eligible on their date of separation because they do not meet the degree requirements required to participate in the program, but who earn an applicable degree within 5 years after separation, shall apply not later than 1 year after earning such a degree. Service members are also encouraged to register in the Public Community Service Registry their interest in pursuing employment as an elemen-

tary or secondary school teacher or teacher's aide. Information about the Registry is provided during preseparation counseling as part of the transition assistance program.

(c) Eligible Department of Defense or Department of Energy civilian employees shall apply after they have received written notice of termination of employment but not later than 1 year following the date of such termination. DANTES shall provide program information to civilian personnel offices that will allow civilian personnel offices to make an initial determination of eligibility and refer interested employees to installation education centers for program information and to DANTES for selection purposes.

(d) Eligible Department of Defense or Department of Energy civilian employees shall apply under procedures established by DANTES and published in the FEDERAL REGISTER, after they have received notice of termination but not later than 60 days following termination. DANTES shall provide program information to civilian personnel offices that will allow civilian personnel offices to make an initial determination of eligibility and refer interested employees to installation Education Centers for program information and to DANTES for selection purposes.

(e) Applications will be screened upon receipt and grouped for either immediate evaluation or deferred evaluation. Those applications screened for immediate evaluation will be evaluated as soon as possible after receipt to determine if selection is justified. If so, applicants will be notified that they have been selected to become participants in the program. An application initially marked for deferred evaluation will be reviewed at the end of each calendar month to determine if it should be accepted for immediate evaluation, further deferred pending receipt of additional information, or rejected. Criteria to be used in selecting participants shall include the following:

(1) Is the applicant willing to work as a teacher or teacher's aide in an elementary or secondary school which serves a concentration of children from low income families?

(2) Does the applicant have educational or military experience in science, mathematics or engineering and agree to seek employment teaching science, mathematics or engineering?

(3) Is the applicant particularly likely to serve as a positive role model in the kinds of schools that are eligible to participate in this program?

(4) Does the applicant have educational or military experience in English, history, geography, foreign language, the arts or special education and agree to seek employment teaching these subjects or working with special education students?

(f) Selected participants, if eligible, may be provided a stipend to offset costs of the type described in Higher Education Act of 1965, section 472 (20 U.S.C. 10871f) which are incurred by the participant while obtaining alternative certification or licensure to teach or necessary credentials to serve as a teacher's aide. A stipend will not be paid to any Service member who is entitled to the Special Separation Benefit (SSB) under 10 U.S.C. 1174a, or the Voluntary Separation Incentive (VSI) under 10 U.S.C. 1175, or who is given early retirement under "National Defense Authorization Act for Fiscal Year 1993," section 4403, Public Law 102-484, 106 stat. 2702.

(1) A stipend will not be paid to any civilian employee selected to participate in the placement program who receives separation pay under 5 U.S.C. 5597.

(2) If a participant fails to obtain certification or employment as a teacher or teacher's aide, or voluntarily leaves or is terminated for cause from employment during the five years of required service, the participant shall reimburse the Department of Defense for any stipend paid in an amount that is a prorated share based on the unserved portion of required service as provided in this paragraph. A participant may be excused from the reimbursement requirement under certain circumstances provided for in "National Defense Authorization Act for Fiscal Year 1993, Public Law 102-484, 106 stat. 2702. A participant shall be excused from the reimbursement requirement under the

following circumstances. The participant:

(i) Is pursuing a full-time course of study related to the field of teaching at an eligible institution;

(ii) Is serving on active duty as a member of the armed forces;

(iii) Is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

(iv) Is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled; or

(v) Is seeking and unable to find full-time employment as a teacher or teacher's aide in an elementary or secondary school for a single period not to exceed 27 months.

(g) Participants will seek employment as elementary or secondary school teachers or teacher's aides in eligible local educational agencies identified by the Department of Defense.

(h) The Department of Defense through its executive agent, DANTES, will offer to enter into an agreement with the first eligible local educational agency that employs the participant as a full-time elementary or secondary school teacher or teacher's aide after the participant obtains necessary credentials. Under such agreements, DANTES will provide a grant to local educational agencies that agree to hire program participants for not fewer than five consecutive school years in a school of the local educational agency serving a concentration of children from low-income families. If employment is terminated by either the participant or the local educational agency before the end of the five years of required service, the grant will be adjusted as described in this part and any excess paid will be reimbursed to the government under guidance prescribed by DANTES.

(i) Participants may not be accepted to receive stipends nor agreements made with local educational agencies to provide grants unless sufficient appropriations are available to support the obligations which may be incurred.

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